

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

POWER BUYING DEALERS USA, INC., a Delaware corporation; CR@ZY US, LLC, a North Carolina limited liability company; and POWER ENERGY CORPORATION, a Delaware corporation,

Plaintiff,

v.

JUUL LABS, INC., a Delaware corporation, and HS WHOLESALE, LIMITED, an Illinois corporation,

Defendants.

Case No. 1:21-cv-3154

Judge Sharon J. Coleman

Magistrate Judge Jeffrey T. Gilbert

JOINT STATUS REPORT

Pursuant to the March 13, 2023 Order entered by Magistrate Judge Jeffrey Gilbert (Dkt. 144), Defendants Juul Labs, Inc. (“JLI”) and HS Wholesale, Limited (“HS Wholesale”) and Plaintiffs Power Buying Dealers USA, Inc. (“PBD”), Cr@zy Us, LLC (“Cr@zy Us”) and Power Energy Corporation (“Power Energy”) submit the following joint status report regarding the status of depositions and a proposed modified fact discovery deadline. As set forth below, Plaintiffs propose that the fact discovery period be extended to August 18, 2023; Defendants agree an extension is needed but propose that fact discovery close on July 28, 2023. No hearing is currently scheduled in this matter.

I. Depositions.

Defendants have noticed the Rule 30(b)(6) deposition of Plaintiff Power Energy, and the parties have agreed to April 11, 2023 for that deposition. Defendants also noticed the Rule 30(b)(6) deposition of Plaintiff Cr@zy Us but the parties have not yet agreed upon a date for that deposition.

With respect to scheduling other depositions, the parties have exchanged lists of proposed depositions. The parties met and conferred on March 30, 2023 regarding their respective lists. Defendants' proposed list included the following depositions:

Plaintiffs

- PBD Corporate Representative
- Sam Odeh
- Power Energy Corporate Representative (scheduled for April 11)
- Cr@zy Us Corporate Representative
- Mike Askwith
- James Harrison

Third Parties Retailers

- Huckster
- AK Wholesale
- McKee Distribution
- Solid Gold

Plaintiffs' proposed list included the following depositions:

JLI

- Josh Blacksher
- Ian Corneille
- Timothy Danaher
- Jesse McGregor
- Bob Robbins
- Nathan Tatum
- Robert "Bobby" VanHoorebeck
- JLI Corporate Representative

HSW

- Hammad Ahmad
- Mark Dohse
- Nishesh Rajbhandari
- Christine Rogowski
- HSW Corporate Representative

Former PBD Employees

- Amin Nemeh
- Bill McLaughlin
- Jeff Panfil

As discussed during the parties' meet and confer, though Plaintiffs' list identifies more than 10 proposed depositions (as allowed by Federal Rule of Civil Procedure 30(a)(2)(A)(i)),

Defendants may be amenable to stipulating that additional depositions are allowed in an equal number for both sides.

During the parties' meet and confer, Defendants stated to Plaintiffs that the third-party retailer entities Defendants seek to depose depend on which entities Plaintiffs intend to rely to support their claims at trial. Because Plaintiffs' list did not include any third-party depositions, Defendants requested that Plaintiffs identify all such entities, and Plaintiffs agreed to do so. Defendants will confirm or modify their proposed deposition list as necessary once Plaintiffs provide a response on this issue.

With respect to the JLI deponents on Plaintiffs' proposed list, counsel for JLI has confirmed that none of the individuals remain employed by JLI. JLI's counsel is actively working to identify which individuals can be presented for deposition through JLI, and which will require a subpoena from Plaintiffs. Given Defendants' proposed fact discovery cutoff described below, JLI is committed to coordinating these depositions as expeditiously as possible.

Finally, Defendants' counsel have identified the following dates they are available to affirmatively "hold" for depositions, and have communicated these dates to Plaintiffs' counsel:

- April 17 and 28
- May 5, 8, 12, 18, 19, 25, and 31
- June 1, 2, 8, and 9
- July 10, 11, 12, 13, 14, 17, 18, 19, 20, and 21

Additionally, the parties may agree to other dates on a deposition-by-deposition basis.

II. Fact Discovery Deadline.

The parties are committed to completing all depositions as expeditiously as possible, but recognize they may need to request a short extension of time from the Court if third-party and former employee witnesses are delayed in responding to subpoenas or have scheduling issues.

Defendants' Position:

Defendants propose July 28, 2023 as the revised fact discovery cutoff date. Assuming the parties take approximately 24 depositions total, this allows 16 weeks from the date of this status report to complete depositions. Defendants believe 1.5 depositions per week on average is feasible, and results in an appropriate timeframe to complete fact discovery.

Plaintiffs' Position:

Plaintiffs believe that additional time beyond July 28 will be necessary to complete the remaining fact discovery to be taken in this case. As noted, approximately 24 depositions – which currently does not include third-party depositions (but may, once discussions between the parties are complete) – will need to be taken within 16 weeks to complete by the Defendants' proposed deadline. Plaintiffs propose August 18, 2023 as a more feasible cut-off date – 19 weeks – which would still require the parties to complete more than one deposition per week on average.

III. AEO-Designated Documents.

Plaintiffs' counsel reported that they had technical difficulties identifying all AEO-designated documents produced by JLI. To assist Plaintiffs in any further review of documents designated as AEO, JLI provided a single set of all AEO-designated documents produced by JLI in this matter and in the DuPage County state court litigation between JLI and PBD.

Dated: April 7, 2023

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CERTIFICATE OF SERVICE

I, Mason D. Roberts, an attorney, certify that on April 7, 2023 I caused the foregoing **Joint Status Report** to be filed with the Clerk of the Court using the CM/ECF system for the District Court of the Northern District of Illinois.

/s/ Mason D. Roberts